In the High Court of Punjab and Haryana, Chandigarh.

C.W.P.No.18719 of 2006

Date of Decision: 4.12.2006

Sushila …Petitioner.

Versus

State of Haryana & Others. …Respondents.

CORAM: HON'BLE MR.JUSTICE M.M.KUMAR
HON'BLE MR.JUSTICE M.M.S.BEDI

Present: Ms.Alka Chatrath, Advocate
for the petitioner.

JUDGMENT

M.M.KUMAR, J. (ORAL)

The instant petition is directed against the order 27.6.2006 (Annexure P6) vide which the respondent No.5 Smt.Mandeep Kaur was appointed as Anganwari Worker and the petitioner was placed in the waiting list who is possessing higher qualification than respondent No.5 who is only Matriculate from Open School Board, whereas as per the criteria prescribed for selection, weightage for higher qualification was to be given. The petitioner further claimed that she be included in the select list instead of waiting list as she has passed her matriculation examination from Haryana School Education Board as a regular student and also passed her B.A. Examination from Kurukshetra University. Moreover, as per guidelines issued by the department dated 13.3.2006, the candidates who have passed B.A. or more qualification are entitled to get five more marks.

Before approaching this Court, the petitioner has neither filed

any representation nor issued any legal notice requiring the respondents to disclose the reason for not awarding her the credit of possessing higher qualification i.e. B.A.. Accordingly, we deem it just and proper to direct the petitioner to first send a legal notice to the concerned respondent staking the claim for five marks on the basis of B.A. Examination, within a period of two weeks from today under registered A.D. Cover. If such a legal notice is sent then the respondents shall be under obligation to decide the same in accordance with law by taking into consideration the degree of B.A. obtained by the petitioner, within a period of six weeks from the date of receipt of copy of the legal notice.

The writ petition stands disposed of in above terms.

(M.M.KUMAR)
Judge

December 4, 2006 **(M.M.S.BEDI)**
dkb **Judge**